

FINAL BILL REPORT

SB 5691

C 271 L 17
Synopsis as Enacted

Brief Description: Modifying or terminating a guardianship when a less restrictive alternative is available to provide for the needs of an incapacitated person.

Sponsors: Senators Bailey, Rivers, Becker and Warnick.

Senate Committee on Health Care
House Committee on Judiciary

Background: Any person or entity may petition the court for the appointment of a guardian or limited guardian for an allegedly incapacitated person. Incapacitated means that the individual has a significant risk of personal harm based upon a demonstrated inability to adequately provide for nutrition, health, housing, or physical safety. A guardian may be a lay guardian, generally a family member or friend of the alleged incapacitated person, or a professional guardian, who charges a fee to provide guardianship services. Professional guardians are regulated by the Certified Professional Guardianship Board. The court has supervisory power over guardianships, and may modify a guardianship or remove a guardian upon petition and showing of good cause.

The court may modify the authority of a guardian or limited guardian if the guardian has died or for good reason. This action may be taken on the court's own motion, based on a motion by an attorney for a person or entity, based on a motion of a person or entity representing themselves, or based on a written complaint. The court may grant relief as it deems just and in the best interest of the incapacitated person, including terminating the guardianship, replacing the guardian, or modifying the authority of the guardian.

Summary: The court must modify or terminate a guardianship when a less restrictive alternative, such as a power of attorney or trust, will adequately provide for the needs of the incapacitated person. In making its decision, the court should consider recent medical reports, testimony of the incapacitated person and the person's relatives, testimony of persons entitled to notice of special proceedings, and other needs of the incapacitated person that may be better served in a less restrictive alternative.

Votes on Final Passage:

Senate	49	0	
House	98	0	(House amended)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Senate 49 0 (Senate concurred)

Effective: July 23, 2017